

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

ARTHUR GENASCI,)	
)	
Plaintiff,)	
)	
vs.)	No. 4:06CV542-SNL
)	
THE CITY OF O’FALLON, et al.,)	
)	
Defendant.)	

ORDER

The motion of plaintiff for leave to add and substitute parties and to dismiss parties is before the Court. Defendants Hudson, Patek, Busken, Mitchell and Kuehn agree that they should be dismissed in their individual and official capacities. Defendants all oppose the request to add and substitute parties because they feel the motion for partial summary judgment now on file is well taken. Plaintiff has added supplemental suggestions in support of adding and substituting parties suggesting that claims against the City of O’Fallon aldermen were premature because the officials have not taken any action against plaintiff Genasci with regard to his employment.

In a final reply, plaintiff states “The Board (City of O’Fallon) is meeting to review the evidence and vote on the appropriateness of plaintiff’s termination on August 10, 2005 and a decision will be rendered no later than August 21, 2006.” Plaintiff requests that the Court should not rule on the pending motions until the Committee issues its ruling on August 21, 2006 at which time defendant’s arguments may be mooted or approved by operation of the decision of the Committee. Plaintiff’s reply (#34) was filed August 8, 2006.

Since that time, a Case Management Order has been entered. In addition, the Court granted the motion of plaintiff to extend the deadline for filing an amended complaint and the joining of additional parties for sixty days after the Court rules on the motion to dismiss, to reconsider and to substitute parties.

At the Rule 16 Scheduling Conference on August 28, 2006, the parties indicated that a notice would be electronically filed the first week in September setting out what occurred at the meeting of the Committee in late August 2006. The Court needs this information before the current motions can be resolved.

IT IS THEREFORE ORDERED that defendants Hudson, Patek, Busken, Mitchell and Kuehn are **DISMISSED** as defendants in their individual and official capacities with prejudice.

IT IS FURTHER ORDERED that the Court will rule on all other existing motions after the necessary information referred to herein is supplied to the Court.

Dated this 6th day of October, 2006.



SENIOR UNITED STATES DISTRICT JUDGE